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Syngenta Seeds, Inc.

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Appl. No. 10/091,154RECEIVED
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

ZHANG ET AL.

Appl. No. 10/091,154

Filed: March 5, 2002

Art Unit: 1638

Examiner: KUBELIK A.

Confirmation no. 6017

Atty Docket: 60170P1

For: ENHANCED POLLENIZER AND METHOD FOR INCREASING SEEDLESS
WATERMELON YIELD

OFFICIAL

DECLARATION OF TOM VARE WILLIAMS UNDER 37 CFR §1.132

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, TOM VARE WILLIAMS, declares and states that:

1. I am an inventor of the invention disclosed and claimed in the above-referenced patent application.
2. I hold a Ph.D. and a Masters degree in Plant Breeding from Rutgers University, and a Bachelors degree in Agronomy from the University of Connecticut.
3. I am a watermelon breeder with Syngenta Seeds Inc., located at the Syngenta Seeds Inc. Research Station in Naples, Florida.
4. I have performed, coordinated and/or supervised the experiments described below.
5. Seeds of Pollenizer 1 disclosed in Elmstrom (US patent 6,355,865, filed 26 May 1999), were obtained from ATCC (ATCC accession number 203961).

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6. The seeds of Pollenizer 1 obtained from ATCC and seeds of diploid watermelon line NO1F3203B disclosed and claimed in the above-referenced patent application were sown at the Naples Research Station on August 7, 2003.
7. Seeds of watermelon variety Companion disclosed in US patent applications 2003/0121075A1 and 2003/0163852A1, published on June 26, 2003 and August 28, 2003, respectively, and seeds of Sangria mentioned in the above-referenced patent application were also planted in the same experiment.
8. Plantlets were transplanted to an open field on September 9, 2003.
9. The brittleness of the fruits of NO1F3203B, Pollenizer 1, Companion and Sangria was evaluated on November 20, 2003 using a Wagner Pressure Tester, Model FT 327 with a 3.0 mm tip.
10. The results are shown in Table 1 below. The figures are averages of the force necessary to puncture the rinds of ten fruits. The force is indicated in pounds and ounces.

Table 1

	Force to Puncture the Rind
NO1F3203B	3 lb 8 oz
Pollenizer 1	14 lb 9 oz
Companion	10 lb 4 oz
Sangria	11 lb 6 oz

11. Table 1 shows that diploid watermelon line NO1F3203B disclosed and claimed in the above-referenced patent application and Pollenizer 1 of Elmstrom clearly differ in the brittleness of the fruit, and that NO1F3203B and Pollenizer 1 are not identical.

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12. The surface area of leaves of NO1F3203B, Pollenizer 1, Companion and Sangria was also measured in the same experiment.
13. Five leaves of NO1F3203B, Pollenizer 1, Companion and Sangria were harvested on October 31, 2003, and photocopied.
14. The photocopies of the leaves were scanned into a computer file and the surface area measured by Coastal Engineering Consultants Inc., Naples, FL.
15. The results of the measurements are shown in Table 2 below. The leaf surface area is indicated in sq. in. (cm²).

Table 2

Sample	NO1F3203B sq. in. (cm ²)	Pollenizer 1 sq. in. (cm ²)	Companion sq. in. (cm ²)	Sangria sq. in. (cm ²)
1	9.83 (63.42)	17.55 (113.23)	17.23 (111.16)	46.78 (301.81)
2	15.53 (100.19)	20.50 (132.26)	14.13 (91.16)	44.30 (285.81)
3	16.10 (103.87)	13.89 (89.61)	21.33 (137.61)	32.86 (212.00)
4	12.09 (78.00)	23.34 (150.58)	20.21 (130.39)	51.89 (334.77)
5	17.76 (114.58)	23.42 (151.1)	20.34 (131.23)	51.29 (330.90)
Average	14.26 (92.00)	19.74 (127.35)	18.67 (120.45)	45.42 (293.03)

16. The leaf surface area of NO1F3203B given in Table 2 above differs from that disclosed in the above-referenced patent application due to variations in growth conditions and sampling.

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17. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. Further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Subscribed to on the following date:

11-20, 2003 Tom Vare Williams
TOM VARE WILLIAMS